IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 19265 of 2006

DATED: 25.9.2006

Between:

V.Adinarayana petitioner

And

The Depot Manager,
APSRTC, Adoni, Kurnool and another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 19265 of 2006

ORAL ORDER :

The petitioner is working as Conductor with the respondents-APSRTC. While discharging his duties as conductor, infection developed in his left eye during the year 2005 and he lost vision of left eye and declared blind by left eye on 24.3.2006. Thereafter the first respondent by impugned proceedings dated 12.4.2006, retired the petitioner from services on medical grounds. Questioning the action of the respondents in retiring the petitioner on medical grounds, the present writ petition is filed.

Learned counsel for petitioner submitted that the petitioner lost vision of left eye only and is able and ready to discharge the duties of conductor with vision of his one eye. It is further contended that in terms of Section 47 of the Act, the respondents are under an obligation to provide alternative employment and placed reliance on judgment of this Court in **N.Siva Kumar Vs. APSRTC, Musheerabad** and others[1].

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC.

This Court in N.Siva Kumar's case considered similar issue and directed the authorities to consider the case of the employee in the light of the provisions of the Act for alternative employment. The relevant portion reads as under;

> "Having regard to the fact that a right has been conferred upon the appellant herein under a statute, although the question raised herein has not been raised before the learned single Judge, we, in modification of the order passed by the learned single Judge, direct the appellant herein to file a representation, if not already filed, before the appropriate authority

> seeking the relief prayed for in this appeal, and on receipt of such a representation, the appropriate authority may consider the case of the appellant in the light of the aforementioned provisions and the decisions referred to hereinbefore, and pass an appropriate order at an early date, preferably within a period of four (4) weeks from the date of communication of this order."

In the present case, the petitioner has not submitted any representation to the respondent corporation seeking alternative employment in terms of Section 47 of the Persons with Disabilities (Equal opportunities, protection of rights and full participation) Act 1 of 1995 (for short 'the Act') and directly approached this Court by way of the present writ petition. Hence, I deem it appropriate to dispose of the writ petition with the following direction:

The petitioner is directed to submit a representation to the respondents herein seeking alternative employment in terms of Section 47 of the Act and on filing such a representation, the respondents are directed to consider the same and pass appropriate speaking orders in accordance with law particularly in the light of Section 47 of the Act, as expeditiously as possible, preferably within a period of three months from the date of filing of representation by the petitioner.

With the above direction, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 25.9.2006
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[1] 2001 (3) ALD 166 (DB)